

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EXPANSE NETWORKS, INC.

§

PLAINTIFF,

§

vs.

C.A. NO. 02-CV-2857

CATALINA MARKETING CORP.,

§

DEFENDANT.

§

DEFENDANT'S EXPEDITED MOTION TO STAY

Defendant Catalina Marketing Corp. hereby moves the Court to stay all proceedings in this case pending the Court's ruling on claim construction and resolution of Defendant's Motions for Summary Judgment of Non-Infringement and Invalidity of the '129 and '348 Patents. The grounds for this motion are set forth in Defendant's supporting brief, which is incorporated by reference herein. Given the upcoming September 17, 2004 deadline for exchange of trial exhibits and filing of the Joint Pretrial Memorandum and the September 23, 2004 final pretrial conference, expedited treatment through a telephonic hearing on this matter is requested at the Court's earliest convenience.

Respectfully Submitted,

Dated: September 14, 2004

s/John V. Gorman

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **DEFENDANT'S EXPEDITED MOTION TO STAY** was served upon the attorneys of record of all parties in accordance with Federal Rules of Civil Procedure, on this 14th day of September, 2004, as follows:

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s/John V. Gorman
John V. Gorman

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**[PROPOSED] ORDER GRANTING DEFENDANT'S
EXPEDITED MOTION TO STAY**

AND NOW, this _____ day of _____, 2004, upon consideration of the submissions of the parties, **IT IS HEREBY ORDERED** that Defendant's Expedited Motion To Stay is **GRANTED**. All matters in this action are stayed pending resolution of the Court's ruling on claim construction and Defendant's motions for summary judgment. The Court will enter an amended scheduling order subsequent to these rulings.

Signed on this _____ day of _____, 2004.

Hon. J. Curtis Joyner
U.S. DISTRICT JUDGE